

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LINDA P. VENEMAN; CHARLES A.  
VENEMAN; VENEMAN ESTATES LLC,

Plaintiffs,

v.

J.P. MORGAN CHASE AND COMPANY;  
et al.,

Defendants.

3:10-cv-0394-LRH-VPC

ORDER

Before the court is defendants Lynn Hetherington (“Hetherington”) and Wells Fargo Bank N.A.’s (“Wells Fargo”) motion to strike plaintiffs’ sur-reply (Doc. #21<sup>1</sup>) filed in response to defendants’ motion to dismiss. Doc. #22. Plaintiffs did not file an opposition.

The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion under LR 7-2(d). Moreover, the court finds that defendants’ motion to strike is warranted. Pursuant to Fed. R. Civ. P. 12(f), a court may strike any pleading for redundant, immaterial, impertinent, or scandalous material. Plaintiffs’ sur-reply to defendants’ motion to dismiss was filed without leave of court and does not provide any new information or legal support not already before the court. Accordingly, the court shall grant

<sup>1</sup> Refers to the court’s docket entry number.

1 defendants' motion and strike plaintiffs' sur-reply (Doc. #21).

2  
3 IT IS THEREFORE ORDERED that defendants' motion to strike (Doc. #22) is  
4 GRANTED. The clerk of court is directed to STRIKE plaintiff's sur-reply filed in response to  
5 defendants' motion to dismiss (Doc. #21).

6 IT IS SO ORDERED.

7 DATED this 8th day of October, 2010.



8  
9  
10 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE